



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 15, 2011

Invocation: Reverend Melvin Manor, St. Paul Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 15, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:10 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of December 6, 2011 and regular meeting of December 8, 2011.

The minutes from the Council work session of December 6, 2011 and regular Council meeting of December 8, 2011 were approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 2 was pulled for discussion.

3. Authorize execution of a construction contract with T.F. HARPER & ASSOCIATES, LP AUSTIN, TX, for the removal and installation of deteriorated pool water supply and drain lines for the Rosewood Neighborhood Pool in the amount of \$404,559.28 plus a contingency \$20,227.96 contingency, for a total contract amount not to exceed \$424,787.24.

The motion authorizing the execution of a construction contract with T.F. Harper & Associates, LP was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX for the Second Street Streetscape Street Reconstruction and Utility Adjustment - Phase III project in the amount of \$5,126,998.50 plus a \$256,349.92 contingency, for a total contract amount not to exceed \$5,383,348.42. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Smith Contracting Company, Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

5. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for Valve Replacement Program Combined in the amount of \$769,938, plus a \$76,993.80 contingency, for a total contract amount not to exceed \$846,931.80. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
6. Authorize execution of a construction contract with PEPPER-LAWSON WATERWORKS, LLC, KATY, TX for the Walnut Creek-Influent Flow Improvements & Equipment Replacement/Rehab Project, in the amount of \$4,011,000, plus a \$200,550 contingency, for a total contract amount not to exceed \$4,211,550. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Pepper-Lawson Waterworks, LLC was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
7. Authorize the use of the Design-Build delivery method for design and construction services in accordance with Texas Government Code Section 2267, Subchapter G for the development of the Austin-Bergstrom International Airport (ABIA) Terminal East Infill Project.
The motion authorizing the use of the design-build delivery method was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
8. Authorize execution of a construction contract with TOLERO CONSTRUCTION, LLC, Austin, TX, for renovation work at Austin Energy's Town Lake Center, in an amount not to exceed \$403,613.
The motion authorizing the execution of a construction contract with Tolero Construction, LLC was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
9. Authorize the negotiation and execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council, d/b/a KLRU TV-18 Austin, to sponsor the Austin City Limits concert series, from October 1, 2011 to September 30, 2016, in an amount not to exceed \$250,000 annually, for a total contract amount not to exceed \$1,250,000.
The motion authorizing the negotiation and execution of a co-sponsorship agreement between the City and the Capital of Texas Public Telecommunications Council doing business as KLRU TV-18 Austin was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 10 through 12 were pulled for discussion.

13. Approve a resolution authorizing the City Manager to apply for grant funding in the amount of \$200,000 from the Texas Department of Housing and Community Affairs Housing Trust Fund 2012 - 2013 Amy Young Barrier Removal Program to make homes more accessible to low-income persons with disabilities.
Resolution No. 20111215-013 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
14. Approve an ordinance authorizing acceptance of up to \$3,000,000 in grant funds from the Community Challenge Grant Program of the United States Department of Housing and Urban Development; and amending the Fiscal Year 2011-2012 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate up to \$3,000,000 for the City's Colony Park Sustainable Community Pilot Project to plan a model sustainable and livable mixed-use, mixed-income community.
Ordinance No. 20111215-014 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 15 was pulled for discussion.

16. Approve an ordinance vacating a portion of the 20-foot-wide alley (approximately 4,699 square feet) between Nueces Street and San Antonio Street, commencing at West 22nd Street and running 250 feet south of West 22nd Street, out of Division D of the City of Austin, between Outlot 22 1/2 and Outlot 23 1/2, dedicated by Louis Horst's Subdivision, recorded in Book Z, Page 613, Travis County Plat Records, to UNIVERSITY BAPTIST CHURCH AND UNIVERSITY LUTHERAN STUDENT CENTER, INC.

Ordinance No. 20111215-016 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

17. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 3.53 acres in Travis County, Texas, located at 2100 Parker Lane from FS VENTURES, L.P., A TEXAS LIMITED PARTNERSHIP, for a total amount not to exceed \$1,100,000.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land from FS Ventures, L.P., a Texas Limited Partnership, was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 18 through 21 were pulled for discussion.

22. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and The University of Texas at Austin for services in an amount not to exceed \$36,500 to conduct two (2) full-day workshops per year focusing on business writing and meeting facilitation for continuing education credit.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas at Austin was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

23. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) for the relocation of existing water lines in conflict with TXDOT roadway improvements, within the State Highway 71 (East) at Thornberry. This contract is for roadway/intersection improvements in the amount of \$100,006.74 plus a \$15,001.01 contingency, for a total contract amount not to exceed \$115,007.75.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

24. Authorize an additional payment to the Texas Department of Transportation in the amount of \$34,702.05 for the actual costs of waterline relocation as required by the Advance Funding Agreement for the Cameron Road Bridge Replacement at Gilleland Creek Project in excess of the previous council authorization of \$93,181.08.

The motion authorizing an additional payment to the Texas Department of Transportation was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

25. Authorize negotiation and execution of a Community Facilities and Cost Reimbursement Agreement between the City of Austin and 3rd & Brazos, LP, a Texas limited partnership for the 3rd Street Right-of-Way Improvements for an amount not to exceed \$1,500,000.

The motion authorizing the negotiation and execution of a Community Facilities and Cost Reimbursement Agreement between the City of Austin and 3rd & Brazos, LP was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 26 and 27 were pulled for discussion.

28. Authorize award and execution of a 36-month requirements service contract with LCRA ENVIRONMENTAL LABORATORY SERVICES, Austin, Texas, to provide priority and regulated pollutant analysis services for the Austin Water Utility in an estimated amount not to exceed \$510,000, with three 12-month extension options in an estimated amount not to exceed \$170,000 per extension option, for a total estimated contract amount not to exceed \$1,020,000. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements service contract with LCRA Environmental Laboratory Services was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

29. Authorize award and execution of Amendment No. 3 to a contract with CHRISTOPHER CORTEZ dba SOUTHWESTERN ENVIRONMENTAL EQUIPMENT TECHNICIANS, Dallas, TX, for repair parts for Penn Valley pumps for the Austin Water Utility, to extend the contract for one 12-month period in an estimated amount not to exceed \$24,000, for a revised total estimated amount not to exceed \$120,000. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of amendment number three to a contract with Christopher Cortez doing business as Southwestern Environmental Equipment Technicians was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

30. Authorize award, negotiation, and execution of a contract with SIEMENS INDUSTRY, INC, DFW Airport, TX for the purchase of fault tolerant servers and software, and maintenance services for the Austin-Bergstrom International Airport, in an amount not to exceed \$292,635. Siemens Industry, Inc. is the sole source provider for these services. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the award, negotiation and execution of a contract with Siemens Industry, Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

31. Authorize award and execution of a 12-month requirements supply contract with QUALITROL COMPANY, LLC, Fairport, NY for the purchase of transformer gauges for Austin Energy in an estimated amount not to exceed \$50,000, with four 12-month extension options in an estimated amount not to exceed \$50,000 per extension option, for a total estimated contract amount not to exceed \$250,000. Qualitrol Company, LLC, is the sole source provided of these products.

The motion authorizing the award and execution of a requirements supply contract with Qualitrol Company, LLC was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

32. Authorize award and execution of Amendment No. 2 to a requirements supply contract with ALTEC INDUSTRIES, St. Joseph, MO, to increase the contract amount for repairs to leased truck-mounted aerial devices and digger derricks, in an estimated amount not to exceed \$120,000, for a revised total estimated contract amount not to exceed \$2,062,475.

The motion authorizing the award and execution of amendment number two to a requirements supply contract with Altec Industries was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

33. Authorize award, and execution of Amendment No. 3 to the contract with ITRON INCORPORATED, Liberty Lake, WA, for the maintenance and software support of ITRON MV-90 Network License associated with Austin Energy's Load Profiler online application and Lodestar application for load research, to exercise the second 12-month extension option in an estimated amount not to exceed \$35,572, and to add three additional 12-month extension options in estimated amounts not to exceed \$36,640, \$37,739, and \$38,871 respectively, for a revised total contract amount not to exceed \$216,898.

The motion authorizing the award and execution of amendment number three to the contract with Itron Incorporated was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

34. Authorize award and execution of Amendment 3 to a contract with SAFE ENGINEERING SERVICES & TECHNOLOGIES LTD, Quebec, Canada, for maintenance and software support for Austin Energy's Current Distribution, Electromagnetic interference, Grounding and Soil structure analysis (CDEGS) software package to exercise the third 12-month extension option in an estimated amount not to exceed \$15,689, and to add six additional 12-month extension options in an estimated amount not to exceed \$16,356 per extension option, for a revised total contract amount not to exceed \$162,634.

The motion authorizing the award and execution of amendment number three to a contract with Safe Engineering Services & Technologies LTD was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

35. Authorize award and execution of two 36-month requirements supply agreements for the purchase of backfill polyurethane foam kits for Austin Energy with PRIESTER-MELL & NICHOLSON, Austin, TX in an estimated amount not to exceed \$446,700 with three 12-month extension options in an estimated amount not to exceed \$148,900 per extension option, for a total estimated contract amount not to exceed \$893,400 and KBS ELECTRICAL DISTRIBUTORS INC., Austin, TX, in an estimated amount not to exceed \$70,875 with three 12-month extension options in an estimated amount not to exceed \$23,625 per extension option, for a total estimated contract amount not to exceed \$141,750.

The motion authorizing the award and execution of two requirements supply agreements with Priester-Mell & Nicholson and KBS Electrical Distributors Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

36. Authorize award and execution of a 30-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with GENERAL PARTS DISTRIBUTION LLC, dba, CARQUEST AUTO PARTS, Raleigh, NC, for the purchase of automotive repair parts in an estimated amount not to exceed \$2,057,328, with three 12-month extension options in estimated amounts not to exceed \$1,132,186 for the first extension option, \$1,358,623 for the second extension option, and \$1,630,347 for the third extension option for a total estimated contract amount not to exceed \$6,178,484.

The motion authorizing the award and execution of a requirements supply contract through the U.S. Communities Government Purchasing Alliance with General Parts Distribution LLC doing business as Carquest Auto Parts was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 37 was pulled for discussion.

38. Authorize award and execution of a 36-month supply agreement with SUPERIOR CRUSHED STONE, Austin, TX, for flexible base for the Watershed Protection Department in an amount not to exceed \$222,750 with three 12-month extension options in an amount not to exceed \$74,250 for each option, for a total contract amount not to exceed \$445,500.

The motion authorizing the award and execution of a supply agreement with Superior Crushed Stone was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

39. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with COOPER EQUIPMENT CO., San Antonio, TX, for the purchase of an asphalt distributor truck body, one asphalt paver and one chip spreader in an amount not to exceed \$791,992.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Cooper Equipment Co. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

40. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with SANTEX TRUCK CENTERS, LTD., San Antonio, TX for the purchase of an asphalt distributor truck chassis in an amount not to exceed \$88,287.
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Santex Truck Centers, LTD was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
41. Authorize award, negotiation, and execution of a contract with GE INTELLIGENT PLATFORMS, INC, Charlottesville, VA, for technical support and software license renewals for the GE Proficy Globalcare Software for the Austin Water Utility, in an amount not to exceed \$52,500 with two extension options in an amount not to exceed \$55,125 for the first extension option and \$57,881 for the second extension option for a total contract amount not to exceed \$165,506. GE Intelligent Platforms is the sole provider of this product. Recommended by the Water and Wastewater Commission.
The motion authorizing the award, negotiation and execution of a contract with GE Intelligent Platforms, Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
42. Authorize award, negotiation and execution of a 12-month contract with OPEN TEXT INC., Lincolnshire, IL, for maintenance and support services for the enterprise document imaging and document management system an amount not to exceed \$80,356.45 with four 12 month extension options in an amount not to exceed \$88,392.10 for the first option, \$97,231.30 for the second option, \$106,954.43 for the third option and \$117,649.88 for the fourth option for a total contract amount not to exceed \$490,584.16. Open Text Inc. is the sole source provider of this product.
The motion authorizing the award, negotiation and execution of a contract with Open Text Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
43. Authorize award and execution of Amendment No. 1 to a 36-month contract with RED WING SHOES, Austin, TX for safety shoes in the amount not to exceed \$41,248 for the remaining 12 months of the initial 36-month contract period with one additional 12-month extension option in an estimated amount not to exceed \$41,248, for a revised total estimated contract amount not to exceed \$164,992.
The motion authorizing the award and execution of amendment number one to a contract with Red Wing Shoes was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 44 was pulled to be heard after the related TIF item.

45. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of four service vehicles in an amount not to exceed \$132,162.82.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, LTD. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
46. Authorize award and execution of a 9-month requirements service contract through Texas Local Government Purchasing Cooperative (BuyBoard) with STANLEY CONVERGENT SECURITY SOLUTIONS, INC., Austin, TX, for electronic security monitoring, system maintenance, and installation at various facilities for Health and Human Services Department, Parks and Recreation Department, and Municipal Court, in a total estimated contract amount not to exceed \$211,500.
The motion authorizing the award and execution of a requirements service contract through Texas Local Government Purchasing Cooperative (BuyBoard) with Stanley Convergent Security

Solutions, Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

47. Approve a resolution adopting the Austin Resource Recovery Master Plan.
Resolution No. 20111215-047 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
48. Approve the negotiation and execution of an interlocal agreement with Travis County to develop a methodology for determining fair and proportionate right-of-way dedications for development that impacts transportation corridors.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
49. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following waivers were approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Joe Stallone's service on the Austin Music Commission.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Greg Esparza's and Jennifer McPhail's service on the Comprehensive Plan Citizens Advisory Task Force. The waiver includes absences through today's date.

50. Approve an ordinance authorizing the reimbursement of \$11,599.20 plus interest, paid to the City under City Code §25-8-214 (Optional Payment Instead of Structural Controls in Urban Watersheds) in lieu of providing water quality controls for the Shoalview Addition Resubdivision, located at 5519 Montview Street. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)
Ordinance No. 20111215-050 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 51 was pulled for discussion.

52. Approve an ordinance waiving certain fees, costs and requirements for the 2012 Austin Farmer's Markets, a City co-sponsored event, during the 2012 calendar year. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)
Ordinance No. 20111215-052 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 53 through 55 were pulled for discussion.

56. Approve a resolution directing the City Manager to negotiate and execute an amendment to the existing contract with Foundation Communities for a pilot program to enhance and study the effects of Foundation Communities' incentivized savings program, allocating \$20,000 from the Sustainability Fund to fund Foundation Communities' 2012 Community Tax Center program, and directing the City Manager to work with appropriate agencies to provide public outreach. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20111215-056 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 57 was pulled for discussion.

58. Approve of a resolution directing the City Manager to work with the Community Development Commission and other stakeholders to develop recommendations for additional strategies of achieving geographic dispersion of affordable housing and directing the City Manager to brief the City Council regarding those recommendations by March 27, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
Resolution No. 20111215-058 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 59 was pulled for discussion.

60. Approve a resolution directing the City Manager to work with the Building and Fire Code Board of Appeals and other stakeholders to develop recommendations on improvements to the Land Development Code and technical codes to address urban noise mitigation for construction of new residential dwelling units and other uses with overnight guests, such as hotels, in the downtown area. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
Resolution No. 20111215-060 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
61. Approve a resolution extending the deadline by which the 2012 Charter Revision Committee must deliver recommendations to Council. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)
Resolution No. 20111215-061 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 62 was pulled for discussion.

63. Approve a resolution directing the City Manager to assess and report the feasibility and means of implementing a Property Assessed Clean Energy program or other kind of financing program for energy conservation improvements to residences and businesses. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
Resolution No. 20111215-063 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
64. Approve a resolution allocating \$25,000 from the Holly Good Neighbor Program After School funds to The Overton Group for the implementation of the HILO curriculum in day care facilities in and around the Holly neighborhood, directing the City Manager to allocate funding only after matching funds have been demonstrated, and directing the City Manager to develop performance measures to track the program's effectiveness. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo)
Resolution No. 20111215-064 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 65 was pulled for discussion.

66. Set a public hearing to consider the permanent use of approximately 1,517 square feet of land for construction, use, maintenance, repair, and replacement of the existing electric transmission lines for the Seaholm District Redevelopment and the new Central Library Project through dedicated parkland known as Town Lake Shoal Beach and the Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the

Texas Parks and Wildlife Code. (Suggested date and time, January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for January 12, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

67. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the St. John/Coronado Hills Combined Neighborhood Plan. The boundaries for St. John/Coronado Hills Combined Neighborhood Planning Area are Anderson Lane on the north; US Hwy 290 on the southeast; and Middle Fiskville Road to E. Huntland Drive to Twin Crest Drive to E. Croslin Street and generally along the lot line to N US Hwy 183 on the west. (Suggested date and time: February 9, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).

The public hearing was set on consent for February 9, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

68. Set a public hearing to consider an ordinance regarding floodplain variances requested by the property owners Bryan Treat and Paige Reynolds to convert the existing garage into a living area at the single-family house at 5506 Windward Drive, which is in the 25-year and 100-year floodplains of Fort Branch Creek. (Suggested date and time: January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for January 12, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

69. Set a public hearing to consider an ordinance authorizing the negotiation and execution of an Interlocal Development Agreement between the City of Austin and Austin Independent School District to establish site development standards for the Bowie High School practice fields located at 3700 & 3800 Slaughter Lane; and waiving the requirement of City Code Section 25-1-903(A). (Suggested date and time: January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for January 12, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 70 were pulled for discussion.

ADDENDUM

93. Authorize negotiation and execution of an amendment to the legal services agreement with Renea Hicks for legal services related to Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLG-JES-XR [Consolidated case], in U.S. District Court for the Western District of Texas, San Antonio, in the amount of \$30,000, for a total contract amount not to exceed, \$173,000.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Renea Hicks was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 71 was a briefing item set for 10:30 a.m.

Items 72 through 74 were Executive Session items.

Items 75 through 87 were zoning items set for 2:00 p.m.

Item 88 was a TIF item set for 3:00 p.m.

Items 89 through 91 were public hearing items set for 4:00 p.m.

Items 92 through 96 were addendum items.

DISCUSSION ITEMS

2. Approve Service Extension Request No. 3037 for water service for Sinno and Associates Ltd., the owner of Foundation Retail Development located within the Drinking Water Protection Zone and within the City's 2-mile extra-territorial jurisdiction at 11101 N. FM 620, to serve a retail development (22,230 square feet of retail) with an estimated peak hour flow of 29 gallons per minute. Recommended by the Water and Wastewater Commission.
This item was postponed to January 12, 2011 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
10. Authorize negotiation and execution of a design and commission agreement with Christian Moeller Studio LLC, Los Angeles, CA, for artwork to be displayed at the new Central Library in an amount not to exceed \$385,000.
The motion authorizing the negotiation and execution of a design and commission agreement with Christian Moeller Studio LLC was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

BRIEFINGS

71. Presentation on 2011 capital needs assessment.
The presentation was made by Mike Trimble, Officer, Capital Planning Office, and Greg Canally, Deputy Chief Financial Officer, Finance Department.

DISCUSSION ITEMS CONTINUED

11. Approve a resolution supporting the recommendations of the Health and Human Services Department regarding water fluoridation and directing the City Manager to implement the recommendations.
Resolution No. 20111215-011 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
37. Authorize award and execution of a contract with ANIXTER INC., Austin, TX for the purchase of 200,000 feet of 48 strand single-mode fiber optic cable in an amount not to exceed amount of \$90,900.00.
This item was postponed to January 12, 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
15. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 68.10 acres in Travis County, Texas, located at 1001 Ed Bluestein Boulevard (near the intersection of Bolm Road and US 183 north bound frontage road) from CAPITAL AGGREGATES, LTD., for a total amount not to exceed \$1,700,000.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land from Capital Aggregates, LTD. was approved on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.

CITIZEN COMMUNICANS: GENERAL

Rae Nadler-Olenick- Water Fluoridation

Walt Olenick- Water Fluoridation

Gus Peña- 1. Merry Christmas and Happy New Year 2. Please show your appreciation and thanks for our Military Troops. Upon return they need readjustment counseling, jobs, P.T.S.D treatment mental health counseling. 3. The unemployment rate is higher than reported. It is more than 9 percent. People have given up. We need jobs with a livable wage \$10.00 per hour and up with benefits. 4. Volunteer to mentor, tutor our youth. 5. Sponsor a family for Christmas. 6. Thank you V.F.W. Post 4443, Don Braun and Mike Jordan and others for helping the community.

Nailah Sankofa- Artist copyrights and intellectual property rights **Was not present when name was called.**

Clay DaFoe- City Council 1st Amendment violations

Susana Almanza- Montopolis needs a new recreation center. Place on bond initiative 2012.

Carlos León- TBA

Richard Troxell- Homelessness in Austin

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:24 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 72. Discuss legal issues related to Consumer Service Alliance of Texas, Inc., v. City of Austin, Cause No. D-1-GN-11-003142 in the 250th Judicial District Court of Travis County, Texas (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
- 73. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
This item was withdrawn.
- 74. Discuss the proposed sale or lease of the Green Water Treatment Plant site for redevelopment (Real Property - Section 551.072).
- 94. Discuss legal issues in Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLG-JES-XR [Consolidated case], in U.S. District Court for the Western District of Texas, San Antonio. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code.)
- 95. Discuss legal issues related to districting, proposed charter amendments, election legislation, and election dates (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code.)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:36 p.m.

DISCUSSION ITEMS CONTINUED

- 70. Set a public hearing to receive public comments on Austin Energy's proposed electric rates. (Suggested date and time: January 12, 2012 at 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for January 12, 2012 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

20. Approve a resolution consenting to the annexation by Lazy Nine Municipal Utility District 1-A of approximately 393 acres within the City of Austin's extraterritorial jurisdiction. Recommended by the Water and Wastewater Commission.

Resolution No. 20111215-020 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

12. Authorize the execution of a new nine-month agreement, including five 12-month extension options, with the Urban Renewal Agency of the City of Austin relating to roles, responsibilities and processes for the redevelopment of the East 11th and 12th Street Revitalization Project.

The motion authorizing the execution of an agreement with the Urban Renewal Agency of the City of Austin was approved on Council Member Riley's motion, Council Member Martinez' second on 6-0 a vote. Council Member Spelman recused himself.

18. Authorize the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and the Austin Independent School District (AISD) for the construction and operation of a joint-use facility called the Turner Roberts Recreation Center and the Overton Elementary School in Colony District Park to benefit of both AISD and the City of Austin.

The motion authorizing the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and the Austin Independent School District (AISD) was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

21. Authorize negotiation and execution of an agreement between the City of Austin and the Center for Child Protection, in the amount of \$99,396, to fund reimbursement for two family advocate positions to provide enhanced interview and support services related to child protection.

The motion authorizing the negotiation and execution of an agreement between the City of Austin and the Center for Child Protection was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

19. Approve an ordinance on third reading amending Chapter 10-6 of the City Code (Smoking in Public Places) by prohibiting smoking in City parks.

Ordinance No. 20111215-019 was approved with the following amendments on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The amendment from Council Member Morrison was to remove the existing section 10-6-3, (a), 10 and replace it with "exemption be provided for people playing golf on golf courses between the tee of the first hole and the end of the green for the final hole" and to add to Part 2, Section 10-6-1, (6), the definition of park, the term "golf courses."

Direction was given to staff for future surveys of citizens to have not just "for", "against", or "neutral" but "would like to hear more" or "would like to have a discussion," call meetings or find some other means of having a discussion among the advisory board members.

26. Authorize award and execution of Amendment No. 1 to an Interlocal Agreement with the TEXAS FOREST SERVICE, College Station, TX to provide services for the propagation, cultivation, and delivery of trees and shrubs to be used for endangered species habitat restoration and enhancement of the Balcones Canyonlands Preserve in an estimated amount not to exceed \$99,000 by extending the contract term to May 31, 2012. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of amendment number one to an interlocal agreement with the Texas Forest Service was approved on Council Member Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

27. Authorize award and execution of a 33-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with Maricopa County, Phoenix, Arizona, with THE HOME DEPOT U.S.A., Atlanta GA, to purchase building supplies and equipment in an estimated amount not to exceed \$1,386,000 with three twelve-month extension options in the estimated amounts \$504,000; \$554,400 and \$609,840 respectively for a total estimated contract amount not to exceed \$3,054,240. Recommended by the Water and Wastewater Commission.

The motion authorizing the award and execution of a requirements supply contract through the U.S. Communities Government Purchasing Alliance with Maricopa County with The Home Depot U.S.A. was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Morrison was off the dais.

51. Approve an ordinance establishing interim council meeting procedures. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman)

Ordinance No. 20111215-051 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

53. Approve an ordinance amending City Code Chapter 2-1 to authorize ex officio members of city boards and commissions to participate as non-voting members. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)

Ordinance No. 20111215-053 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

54. Approve an ordinance amending City Code Chapter 2-1 to authorize the Board of Adjustment and AISD chairs to participate as voting ex officio members of the Planning Commission and to authorize non-voting participation by all other ex officio members of city boards and commissions. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo)

This item was withdrawn without objection due to the approval of item 53.

55. Approve an ordinance amending City Code Chapter 9-2 relating to requirements for Live Music Permits. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

Ordinance No. 20111215-055 was approved with the following amendments on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

The amendments are:

Section 9-2-37, new subsection (C) should read, "An application for a 1 day permit under the section must be submitted at least 21-days prior to the date of the proposed event."

Amend the definition of "Spring Festival Season" in Section 9-2-1 to read, "(10) Spring Festival Season means Friday of the second week in March through Sunday during the third week of March, unless the city manager designates an alternate ten-day period for a particular year."

57. Approve a resolution directing the City Manager to implement an additional pilot program to assess the efficiency of food waste disposers in diverting the organics from landfills, and to fully explore additional options for residentially-generated food scraps. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)

This item was postponed to January 12, 2012 with the following direction on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

Mayor Leffingwell suggested taking this item to the Solid Waste Advisory Commission, Water and Wastewater Commission and the Sustainable Food Policy Board for their recommendations.

Council Member Riley suggested coordinating with the Urban Agriculture Official in the Parks Department.

59. Approve a resolution initiating code amendments to City Code Chapters 25-1 and 25-2 relating to requirements for zoning use determinations. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Resolution No. 20111215-059 was approved on Mayor Pro Tem Cole's motion Council Member Spelman's second on a 7-0 vote.

92. Discuss potential impact of recent developments in the state and congressional election calendar on the city's 2012 election schedule.
This item was withdrawn without objection.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Tax Increment Financing Board to order at 4:52 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:53 p.m.

DISCUSSION ITEMS CONTINUED

44. Authorize award and execution of a 24-month requirements service agreement with GREAT WESTERN MANAGED SERVICE CORP OF AUSTIN, TX, (WBE/FW), to provide hardscape and paver maintenance services in an estimated amount not to exceed \$199,100, with two 12-month extension options in estimated amounts not to exceed \$99,550 each for a total estimated contract amount not to exceed \$398,200.

The motion authorizing the award and execution of a requirements service agreement with Great Western Managed Service Corp of Austin was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

62. Approve a resolution directing the City Manager to prepare a contract management plan that ensures the City of Austin meets best practice contracting standards, and directing the City Auditor to provide any support requested by the City Manager for the preparation of the contract management plan and to prepare for and deliver a report to the City Council assessing the City Manager's contract management plan, particularly focusing on how the plan addresses risk management and financial and legal controls. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)

This item was withdrawn without objection.

Mayor Leffingwell recessed the Council Meeting at 5:35 p.m.

LIVE MUSIC

Courrier

PROCLAMATIONS

Certificates of Congratulations -- CityWorks Academy Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Presentation to the City -- National ACPA Gold Excellence Award -- to be presented by Jan Prusinski, American Concrete Pavement Association, and to be accepted by Mayor Lee Leffingwell and Fred Ramirez and Austin Water Utility representatives

Certificates of Congratulations -- Channel 6 Emmy Award Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- South Austin Community Church -- to be presented by Mayor Lee Leffingwell and to be accepted by Pastor A. L. Sneed II

Distinguished Service Award -- Rebecca Batchelder -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Mayor Leffingwell called the Council Meeting back to order at 6:44 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

90. Conduct a public hearing and consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an economic development agreement with US Farathane Corporation.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-090 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting yay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

89. Conduct a public hearing to receive public comments and consider a resolution adopting proposed amendments to the Neighborhood Housing and Community Development Citizen Participation Plan.

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20111215-089 was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

75. C14-2011-0049 - Pioneer Hill - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. First Reading approved with conditions on August 4, 2011. Vote: 7-0. Second Reading approved with additional conditions on September 22, 2011. Vote: 5-0, Council Members Martinez and Spelman-off the dais. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20111215-075 for multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-

conditional overlay (GR-CO) combining district zoning for Tract 4 and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

76. C14-2011-0080 - Gyro Plus, L.L.C. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5106 Nixon Lane (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on October 20, 2011. Vote: 7-0. Applicant/Agent Gyro Plus, L.L.C. (Mohammad Arami). City Staff Clark Patterson, 974-7691.
Ordinance No. 20111215-076 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
77. C14-2011-0117 - Crestview Station Residential - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 950 Banyon Street (Waller Creek Watershed) from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. First reading approved on November 10, 2011. Vote 7-0. Applicant: Continental Homes (Richard Maier). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.
Ordinance No. 20111215-077 for transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

78. NPA-2011-0025.02 - Landscape Resources - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7401 Old Bee Caves Road (Williamson Creek) from Mixed Residential to Mixed Use land use. Staff Recommendation: Not recommended. Planning Commission Recommendation: To be reviewed December 13, 2011. Applicant/Owner: WEAPSA, L.L.C.. Agent: A. Ron Thrower. City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to April 12, 2012 at the applicant's request on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
79. C814-2009-0139.02 - Bull Creek PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 4909 FM 2222 (Bull Creek Watershed; Lake Austin Watershed) from interim-lake austin (I-LA) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: Booth Family Living Trust (David Booth). Agent: Armbrust & Brown, L.L.P. (David Armbrust). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-079 for planned unit development (PUD) district zoning was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

80. C14-2011-0135 - Howard Schain's Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6400 South 1st Street (Williamson Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner/Applicant: Schain Properties (Howard Schain). Agent: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-080 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

81. C14-2011-0047 - 801 S. Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard from family residence (SF-3) district zoning to general commercial services - vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services - vertical mixed use building (CS-V) combining district zoning. Planning Commission recommendation: To grant general commercial services - vertical mixed use building (CS-V) combining district zoning. Applicant: 801 Ltd., (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.

This item was postponed on consent to January 12, 2012 at the applicant's request on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

82. C14-2011-0055 - Kessler Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff recommendation: To recommend neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: Ilan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to January 12, 2012 at the applicant's request on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

83. C14-2011-0130.SH - 2712 E. 12th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2712 E. 12th Street (Boggy Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant transit oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant transit oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: South End MLK TOD, LLP. Agent: Pegasus Planning, LLC (Sean Garretson). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-083 for transit oriented development-neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

84. C14H-2010-0025 - McCrummen-Wroe House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Windsor Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To

grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: David and Kimberly Hood, owners. City Staff: Steve Sadowsky, 974-6454.

This item was withdrawn on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

85. C14H-2011-0001 - Shoal Creek Houses - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 623 and 702 Wood Street (Shoal Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

This item was postponed on consent to January 12, 2012 at the staff's request on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

86. C14H-2011-0003 - Clarkson-Crutchfield House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4001 Avenue G (Waller Creek Watershed) from family residence-historic district-neighborhood conservation (SF-3-HD-NCCD) combining district zoning to family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning with the conditions. Planning Commission Recommendation: To be reviewed on December 13, 2011. Applicants: Howard Liljestrand and Blinda McClelland, owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-086 for family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning with the conditions was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

87. C14H-2011-0004 - W.T. and Valerie Mansbendel Williams House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3820 Avenue F (Waller Creek Watershed) from family residence-historic district-neighborhood conservation (SF-3-HD-NCCD) combining district zoning to family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2011. Applicant: David Conner, owner. City Staff: Steve Sadowsky, 974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-087 for family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman recused himself.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

91. Conduct a public hearing and consider an ordinance amending Title 11 and Title 25 of the City Code to revise the City's historic preservation program, including changes to the criteria for designating historic landmarks, property tax exemptions for historic landmarks, and provisions relating to properties located within National Register and Local Historic Districts.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20111215-091 was approved with the following amendments on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The first amendment was to keep the current 100% of the improvement value and 50% of the land value for owner occupied structures. The second amendment was that Section 11-1-22 (Determination of Exemption Amount) (E) should read, "The amount of the \$2,500 exemption in Subsection 11-1-22(C) shall be modified every three years with the adoption of the ad valorem tax rate to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 4, 2012, shall be used as a base for future adjustments."

96. Conduct a public hearing and consider an ordinance amending Chapters 25-1 and 25-2 of the City Code to modify requirements for open space (C20-2010-020).

There was a main motion made by Council Member Morrison and seconded by Mayor Pro Tem Cole to close the public hearing and adopt the ordinance.

There was a friendly amendment made by Council Member Riley to add to Part 5, 2.7.3, D. Design Criteria "In VMU and V zoning districts, streetscape improvements within the public right-of-way may be included in the calculation of open space except for the area within the Clear Zone as defined in this Subchapter. This provision does not apply to streetscape projects for which the City participates in the cost of the improvements or which are required to be constructed as a condition of CURE zoning." This was not accepted by the maker of the motion.

There was a motion made by Council Member Riley, seconded by Council Member Martinez to amend Part 5, 1.7.3., D. Design Criteria to add, "In VMU and V zoning districts, streetscape improvement with the public right-of-way may be included in the calculation of open space except for the area within the Clear Zone as defined in this Subchapter. This provision does not apply to streetscape projects for which the City participates in the cost of the improvements or which are required to be constructed as a condition of CURE zoning" was approved on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

The public hearing was conducted and the main motion to close the public hearing and adopt Ordinance No. 20111215-096 with the above amendment was approved on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

The motion to waive the rules and allow Council to go past 10:00 p.m. was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.

65. Approve a resolution directing the City Manager to amend City Code Chapter 13-2 related to taxicab franchise permits and ownership requirements; and to prepare a report regarding taxicab franchise agreement terms. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

There was a main motion to approve the resolution that was made by Council Member Martinez and seconded by Council Member Morrison.

There was a substitute motion by Council Member Cole to direct staff to review and issue a response on the Mundy Report and to get back to Council and the Urban Transportation Commission and for the Commission to make recommendations on demand, supply and the matrix to Council. This was seconded by Council Member Riley. There was a friendly amendment from Council Member Spelman to prepare an ordinance to align the three franchises for Council consideration on February 9 in addition to the review of the Mundy Report by the end of the first quarter of the year. This was accepted by the maker of the motion and Council Member Riley, who seconded the motion. The motion failed on a 3-4 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Morrison and Tovo.

There was a friendly amendment made to the main motion from Council Member Morrison to phase the permits into two different actions, one potentially in February and one potentially in June (Lone Star – 30 permits on the February 9th date and 20 on the June 7th date and Austin Cab – 15 on the February 9th date and 10 on the June 7th date). This was accepted by the maker of the motion with the provision that in the second phase of June 7th, it goes to the Urban Transportation Commission (UTC) and conversations are had about all the issues brought forth in the failed substitute motion above.

There was a friendly amendment made to the main motion by Mayor Leffingwell to limit the total legacy permits to 25. This was not accepted by the maker of the motion.

There was a friendly amendment made to the main motion by Council Member Riley to amend the third BE IT FURTHER RESOLVED to read, "The City Manager is directed to work with stakeholders to develop options for implementing legacy permits and incentivize sustainable fleets." and to bring back to Council on February 9th. This was accepted by the maker of the motion and Council Member Morrison who seconded the motion.

Direction was given to staff by Mayor Pro Tem Cole and Council Member Morrison for staff to work with stakeholders on developing options on legacy permits and incentivizing a sustainable fleet, take to the UTC for their recommendation and come back to Council on February 9 along with main motion.

There was a friendly amendment made to the main motion by Council Member Spelman that at the same time staff comes forward with the reallocation of 30 permits for Lone Star and 15 for Austin Cab by February 9th and 20 for Lone Star and 10 for Austin Cab by June, and that they also estimate the likely effect on customer service, franchiseholder revenues and driver earnings. This was accepted by the maker of the motion and Council Member Morrison who seconded the motion.

There was a friendly amendment made to the main motion by Council Member Morrison to evaluate options for taxi stands downtown. This was accepted by the maker of the motion.

The main motion to adopt Resolution No. 20111215-065 with the above amendments was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-1 vote. Council Member Riley voted nay.

Mayor Leffingwell adjourned the meeting at 11:34 p.m. without objection.

The minutes for the regular meeting of December 15, 2011 were approved on this the 12th day of January 2012 on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.